



Jamie Benidickson. *The Culture of Flushing: A Social And Legal History of Sewage.* Vancouver: UBC Press, 2007. xxiv + 404 pp. \$93.95 (cloth), ISBN 978-0-7748-1291-7; \$32.95 (paper), ISBN 978-0-7748-1292-4.

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Toilet Reading

Spending time at a college campus on any given weekend, one might hear the common euphemism escape the lips of some unfortunate partygoer: “On my way to pray to the porcelain gods!” Kneeling before the dorm toilet, offering up the contents of an oversaturated stomach, the student gives no further thought to the final destination of their humble offering or the underworld to which it retreats. In modern culture, the truth is the “porcelain gods” are not worshiped, but taken for granted, and the greater network of waste disposal they represent has become an unremarkable fixture of daily life. Legal historian Jamie Benidickson uses *The Culture of Flushing* to turn readers’ attention to the little-told story of urban waste removal. He aims to illuminate the deeply rooted social and cultural values that have shaped public attitudes toward water, allowing cities to use public waterways as sewers for much of the past two centuries. He argues that the legal decisions made in the United States, Great Britain, and Canada both reflected and cemented public opinion about the role of water in growing urban and industrial environments.

Although sewage is the star of the title of his work, Benidickson pays equal attention to the byproducts of lumber mills, tanneries, slaughterhouses, and factories. His is a story about water as much as it is about waste. Beginning in the early nineteenth century, he has observed (like many environmental historians before him), that the law increasingly favored the water rights of industry over agriculture. It was this early trend that set the course to allow rivers to become sewers. Benidickson sees this as a greater part of the “perilous fantasy that the planet was created for human convenience” (p. 4). This story is constantly reiterated throughout the text. Downstream riparian

landowners are forced again and again to accept the degradation of water quality as courts continue to alter the degree of “reasonable” water use. Benidickson maintains that arguments in favor of fishing, navigation, and even leisure rights served as proxy arguments for the preservation of water quality; however, these small conservancy efforts could not withstand the tide of industrialization or overcome the needs of ever-booming populations at urban centers.

There were occasions when legal authorities did agree that certain parties were wronged by water contamination, but assigning sole liability for poor water quality to any one source was difficult to do, especially when the environmental impact of pollution was cumulative. It was hard for common law to address actions that seemed harmless in isolation, but “were devastating through repeated individual acts” (p. 34). One of the text’s greatest strengths is how easily it moves from these small legal battles to the larger legal conflicts of water quality that took place between states and even nations. In 1900, when the typhoid death rate in St. Louis soared, Chicago’s downstream neighbor saw no ambiguity regarding who was to blame for the sudden deterioration of water quality. That same year marked the opening of Chicago’s Drainage Canal, which diverted wastewater away from the city and into the Mississippi River. Chicago’s sanitarians were heralded for this triumph of public health, while drinking water for downstream cities like St. Louis saw a sharp decline. Despite Missouri’s seemingly solid evidence, courts were unconvinced of Chicago’s liability in the matter, believing that it was unlikely that the typhoid bacillus could survive such a journey. Like so many downstream residents before it, St. Louis could not overcome the legal obstacles of assigning blame. Only

when the federal government grew concerned over the Drainage Canal's negative influence on Lake Michigan were some restrictions put in place. For a brief time Chicago, as well as many other cities, turned its attention towards finding sewage treatment solutions.

But as major cities found and transported clean drinking water from more remote locations, the question of sewage became easier to ignore. Most cities agreed that it was more economical to focus efforts on the filtration of drinking water than the treatment of sewage. Bendickson marks the late nineteenth century as the point in which the "deeply entrenched belief that an essential function of rivers was to carry off the residues of human waste," became fixed through a "legal transformation of streams into sewers" (p. 251). He argues that it was not until the mid twentieth century that this belief saw serious scrutiny with the rise of conservation movements. It does seem that he neglects earlier incarnations of proto-environmentalism, and the growing critical discourse of the "waste-full" practices of early industrialism that had taken root long before the 1960s and 70s. Likewise, Benidickson perpetuates the illusion of rivers and streams existing

in some virginal state before the culture of flushing emerged to destroy them, contributing to the age-old false dichotomy separating humans from nature.

Arguing that "judges seemed blissfully unaware" of the long-term effects and damage to waterways that they facilitated, he states that we must now "concede that for badly underestimating environmental losses there is a price to pay" (p. 332). He maintains that the physical and psychological legacy of the culture of flushing will persist as long as people are content to ignore what happens to waste in our society. Whether you agree with his prescription for future "sustainability" or not, Benidickson has presented a valuable contribution to the increasing literature on the history of water and sewage. His transatlantic legal perspective clearly situates the courts at the center of evolving questions of water quality and persuasively demonstrates the intellectual and cultural exchange between the United States, Great Britain, and Canada. *The Culture of Flushing* is an accessible text suitable for those studying the intersection of environmental and legal history, historians of technology, and those interested in public health and policy.

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